REMARKS

In the pending Office Action, claims 1-18 were rejected under the judicially created doctrine of double patenting over claims (1-22) of U.S. Patent No. 6,661,597. Also, claims 1-5, 8-14 and 17-18 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,764,430 to Ottesen et al. Claims 6-7 and 15-16 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 5,764,430 to Ottesen et al. in view of U.S. Patent No. 5,982,570 to Koizumi et al.

Applicants respectfully traverse each of the rejections and respectfully request reconsideration of this application in light of the following remarks.

Claims 1-18 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-22 of U.S. Patent No. 6,661,597. A terminal disclaimer accompanies this Amendment. The present application (Application No. 09/846,843) and U.S. Patent No. 6,661,597 (Application No. 09/846,076) were assigned to Western Digital Technologies, Inc., as recorded starting at Reel 012107, Frame 0981, and at Reel 012045, Frame 0277, respectively. Accordingly, the rejections of claims 1-18 for double patenting should now be withdrawn.

The rejection of independent claim 1 as allegedly anticipated by the Ottesen patent is respectfully traversed. Claim 1 recites a mobile device including a disk drive having a rotating disk media having a first data storage zone and a second data storage zone. The mobile device may read data from the first data storage zone when the mobile device is in a mobile environment. However, the mobile device may read data from the second data storage zone only when the mobile device is in a non-mobile environment and may not read data from the second data storage zone when the mobile device is in a mobile environment. Applicants asset that the Ottesen patent fails to disclose or suggest a mobile device including a disk drive having a mobile readable first data storage zone and a second data storage zone readable only when the mobile device is in a non-mobile environment, as recited in claim 1. The Ottesen patent merely discloses

optimizing the spindle speed, which affects the disk's rotational velocity and the track's bit frequency, based on operating environmental conditions. The tracks on the disk may be allocated into zones of differing bit frequencies. When environmental "shock or vibration exceeds an upper threshold, it may be determined that disk drive access operation (e.g., read or write operations) should not be carried out." See, column 10, lines 33-36. However, Applicants assert that the Ottesen patent fails to disclose or suggest inhibiting read operations only on a particular data storage zone based on a predetermined operating environmental condition while allowing read operations on another data storage zone under the same predetermined operating environmental condition. Accordingly, Applicants respectfully assert that claim 1 defines patentable advances over the Ottesen patent, and the rejection of independent claim 1, under 35 U.S.C. § 102(b), is improper and should now be withdrawn.

The rejections of dependent claims 2-5 and 8-9, which depend on independent claim 1, as allegedly anticipated by the Ottesen patent are respectfully traversed. In addition to the particular features recited in each claim (e.g., ultra-safe zone "USZ" and docked-safe zone in claim 3, USZ dwell prevention in claim 4, USZ move over prevention in claim 5, and mobile-low-power zone based on minimized actuator current in claim 8), claims 2-5 and 8-9 include the features recited in independent claim 1 but not disclosed or suggested by the Ottesen patent. Accordingly, for these reasons and the reasons recited with respect to independent claim 1, dependent claims 2-5 and 8-9 define patentable advances over the Ottesen patent, and the rejections of claim 2-5 and 8-9, under 35 U.S.C. § 102(b), should now be withdrawn.

The rejections of dependent claims 6-7, which depend on independent claim 1, as allegedly unpatentable over the Ottesen patent in view of the Koizumi patent are respectfully traversed. In addition to the particular features recited in claims 6 and 7 (i.e., mobile-safe zone having a wider track pitch), claims 6 and 7 include the features recited in independent claim 1 but not disclosed or suggested by the Ottesen patent or the Koizumi patent. Accordingly, for these reasons and the reasons recited with respect to independent claim 1, dependents claims 6 and 7

define patentable advances over the Ottesen patent and the Koizumi patent, and the rejections of claims 6 and 7 under 35 U.S.C. § 103(a) are improper and should now be withdrawn.

The rejections of claims 10-14 and 17-18 as allegedly anticipated by the Ottesen patent are respectfully traversed. Claims 10-14 and 17-18 are disk drive claims reciting features corresponding to the disk drive features recited in claims 1-5 and 8-9, respectively. Accordingly, for the reasons recited above with respect to claims 1-5 and 8-9, claims 10-14 and 17-18 define patentable advances over the Ottesen patent, and the rejections of claims 10-14 and 17-18 under 35 U.S.C. § 102(b) are improper and should now be withdrawn.

The rejections of claims 15-16 as allegedly unpatentable over the Ottesen patent in view of the Koizumi patent are respectfully traversed. Claims 15-16 are disk drive claims reciting features corresponding to the disk drive features recited in claims 6-7, respectively. Accordingly, for the reasons recited above with respect to claims 6-7, claims 15-16 define patentable advances over the Ottesen patent and the Koizumi patent, and the rejections of claims 15-16 under 35 U.S.C. § 103(a) are improper and should now be withdrawn.

In the Office Action, the Examiner asserts that "the drawings should be labeled 'prior art' in view of U.S. Pat. # 661597." Applicants assert that the term "prior art" generally refers to art defined by 35 U.S.C. § 102. Applicant is not aware of any section of 35 U.S.C. § 102 under which U.S. Patent No. 6,661,597 would be considered as prior art in the present application. Further, "[f]igures showing the prior art are usually unnecessary and should be canceled." See, MPEP 608.02(g). Applicants asset that Figures 1-3 are necessary and are required by 35 U.S.C. § 113 and 37 C.F.R. 1.81. Accordingly, Applicants respectfully traverse the Examiner's request and decline to label the drawings as prior art.

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Raffi Codilian et al.
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CONCLUSION

In view of the above amendments and remarks, this application should now be in condition for allowance. If any questions or issues remain, the Examiner is invited to contact the undersigned at the telephone number set forth below so that prosecution of this application can proceed in an expeditious fashion.

Respectfully submitted,

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